

**COMMISSION ON TEACHER CREDENTIALING**

Box 944270

Sacramento, California 94244-2700

(916) 445-7254



OFFICE OF THE EXECUTIVE DIRECTOR

**96-9601**

**DATE:** February 14, 1996

**TO:** All Individuals and Groups Interested in the Activities of the Commission on Teacher Credentialing

**FROM:** Ruben L. Ingram, Ed. D.  
Executive Director

**SUBJECT:** Proposed Amendment of Section 80125 of Title 5, California Code of Regulations, Concerning Late or Incomplete Waiver Requests

**Notice of Public Hearing is Hereby Given:**

In accordance with Commission policy, proposed Title 5 Regulations are being distributed prior to the public hearing. A copy of the proposed regulations is attached. The added text is underlined, while the ~~deleted~~ is lined-through. The public hearing is scheduled for:

April 4, 1996  
1:30 PM  
Hyatt Regency Hotel  
1209 L Street  
Sacramento, CA

**Statement of Reasons**

The Commission is seeking to revise Section 80125 of Title 5, California Code of Regulations, in order to clarify the procedures for submitting and handling waiver requests and establish a time-line that serves two purposes. First, the time-line must ensure that non-certificated individuals serve California's students only if the requirements of law and regulation, including public notice and Commission approval, have been met. Second, it must provide a reasonable amount of time for employing agencies to submit the appropriate paperwork and establish consequences for failure to submit a waiver request on time.

The proposed changes to Section 80125 are intended to establish a timeline for the submission and resubmission of waiver requests to the Commission and to establish the consequences of submitting a waiver request after the deadline. In addition, the proposed changes seek to clarify statements that were open to question including who must review the waiver request, that the waiver "letter" is a

document that authorizes service, and when an applicant must be removed from an assignment following a Committee decision to deny the waiver request.

### **Documents Relied Upon in Making Determination to Change These Regulations**

The following documents were used to make the determination to seek these changes and additions to the regulations governing emergency permits:

- Computer report on numbers of late waivers requests

### **Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments on the proposed action. The written comment period closes at 5:00 p.m. on April 3, 1996.

Any written comments received 14 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

### **Submission of Written Comments**

A response form is attached for your use when submitting written comments to the Commission. Please send it to the Commission at 1812 9th Street, Sacramento, CA 95814-7000, so it is received at least one day prior to the date of the public hearing.

### **Public Hearing**

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on the agenda. Please contact Dr. Ruben L. Ingram at (916)445-0184 regarding this.

Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide twenty-five copies. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

### **Modification of Proposed Action**

If the Commission proposes to modify the action hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

### **Contact Person/Further Information**

Inquiries concerning the proposed action may be directed to Bobbie Fite, telephone (916) 445-5857. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. Also available upon request is a copy of the proposed action written in plain English, at the eighth grade level. In addition, all the information upon which this proposal is based is available for inspection and copying.

COMMISSION ON TEACHER CREDENTIALING

DIVISION VIII OF TITLE 5  
CALIFORNIA CODE OF REGULATIONS

PROPOSED CHANGES TO SECTION 80125  
CONCERNING LATE OR INCOMPLETE WAIVER REQUESTS

**80125. Submitting Requests for Variable Term Waivers; Approvals and Denials.**

- (a) Requests for variable term waivers must be submitted on a form provided by the Commission (form WV1) and must include written documentation supporting the waiver, including such items as dated copies of announcements of the vacancy, a job description detailing the specific employment criteria for the position, official transcripts, the original foreign transcript evaluation letter, examination score reports, and verifications of experience.
- (b) A waiver request should be submitted to the Commission prior to the applicant's beginning day of service. In those cases where an employing agency has an unanticipated need, the Commission will honor the beginning date of service listed on the waiver request as long as the request is submitted to the Commission in time to be reviewed by the Appeals and Waivers Committee within two three Commission meetings of the beginning date of service. ~~County offices of education that review and submit credential waiver requests on behalf of school districts within their jurisdictions may request such reviews within three Commission meetings of the beginning date of service.~~
  - (1) If extenuating circumstances exist that are beyond the control of the employing agency and/or the applicant, the waiver request may be submitted to the Commission in time to be reviewed by the Appeals and Waivers Committee by the fourth Commission meeting following the applicant's beginning date of service. A full explanation of the extenuating circumstances must accompany the waiver request.
  - (2) Waiver requests that are submitted too late to be reviewed by the Appeals and Waivers Committee at the third Commission meeting following the beginning date of service and that have no explanation of extenuating circumstances are included in the next Committee agenda with a staff recommendation for denial because of lateness. Representatives of the employing agency may appeal the staff recommendation to the Committee, but may not present information that was not available to the staff at the time of their review of the waiver request. If the Committee votes to recommend denial of the waiver request because it is late, the recommendation is presented to the full Commission in general session for action at the same Commission meeting.
  - (3) Waiver requests that are submitted after the deadline for the fourth Commission meeting following the beginning date of service are administratively denied by Commission staff. A notice of denial is sent to the employing agency, the applicant, and the county office of education,

## Text of Proposed Regulations: §80125, Late or Incomplete Waiver Requests

when applicable. Upon receipt of the denial notice, the employing agency must remove the applicant from the assignment.

- (c) Waiver requests are reviewed by Commission staff and may be returned for additional information or clarification before the request is scheduled for the Appeals and Waivers Committee agenda. Such requests should be resubmitted with the needed information to the Commission office as soon as possible, but must be submitted in time to be reviewed by the Appeals and Waivers Committee at the fourth Commission meeting following the beginning date of service. If the applicant qualifies for a credential or permit that authorizes the service, the waiver request may be returned for an application and fee for the appropriate credential or permit.
  - (1) Waiver requests that are submitted too late to be returned to the employing agency for additional information and resubmitted in time to be reviewed by the fourth Commission meeting are included in the next Committee agenda with a staff recommendation for denial because of the missing information. New information from the employing agency may be presented to the Committee at the meeting. The request proceeds as described in subsection (d) below.
  - (2) Waiver requests that are resubmitted with additional information too late to be reviewed by the Appeals and Waivers Committee at the fourth Commission meeting following the beginning date of service are included in the next Committee agenda with a staff recommendation for denial because of lateness. Representatives of the employing agency may appeal the staff recommendation to the Committee and must include the additional information requested by staff at the time of their review of the waiver request. If the Committee votes to recommend denial of the waiver request because it is late, the recommendation is presented to the full Commission in general session for action at the same Commission meeting.
  - (3) Waiver requests that are resubmitted with additional information after the deadline for the fifth Commission meeting following the beginning date of service are administratively denied by Commission staff. A notice of denial is sent to the employing agency, the applicant, and the county office of education, when applicable. Upon receipt of the denial notice, the employing agency must remove the applicant from the assignment.
- (d) The Appeals and Waivers Committee may vote to recommend either approval or denial of a waiver request, or may postpone the decision until the next meeting if additional information is needed.
  - (1) If the Committee votes to recommend approval of a waiver request, the recommendation is presented to the full Commission in general session during that meeting for final vote. The full Commission may either vote to confirm approval which becomes effective immediately or vote to return the request to the Committee for further consideration.
    - (A) After the waiver is approved, and following the conclusion of any fitness review that may be performed by the Legal and Professional Standards Division of Professional Practices, a numbered ~~W~~waiver Approval Letter document is issued. The ~~W~~waiver Approval Letter

Text of Proposed Regulations: §80125, Late or Incomplete Waiver Requests

document identifies the applicant's credential goal and authorizes the service appropriate to that goal.

- (2) If the Committee votes to recommend denial of a waiver request, except for the reason of failure to meet the specified timelines as described in subsections (b)(2) and (c)(2) above, the following procedure is initiated:
- (A) The employing agency is sent a letter explaining the reasons for the Committee's recommendation to deny and affording the employing agency an opportunity to submit additional written information in support of the waiver request that was not available at the time the request was originally submitted. Resubmission must be received in the Commission office by the printed agenda cut-off date for the next Commission meeting (approximately two weeks following the mailing of the letter) or no reconsideration will be presented to the Committee.
  - (B) If no timely reconsideration request is received, the recommendation for denial is presented to the full Commission in general session for action at the next scheduled Commission meeting. The full Commission may either vote to confirm denial, which becomes effective immediately or vote to amend the Committee's decision, or to return the request to Committee for further consideration. A final notice of denial is sent to the employing agency, the applicant, and the county office of education, when applicable. Upon receipt of the denial notice, the employing agency must remove the applicant from the assignment.
  - (C) If timely reconsideration is requested, the request appears again in the Appeals and Waivers Committee agenda. The Committee may vote to recommend approval or may vote to sustain its recommendation of denial. The Committee's recommendation is presented to the full Commission in general session during that meeting for final vote.
  - (D) ~~A final notice of denial is mailed to the employing agency, the applicant, and the county office of education, if applicable. The full Commission may vote to confirm or amend the Committee's decision. If the waiver request is approved, and following the conclusion of any fitness review that may be performed by the Division of Professional Practices, a numbered waiver document is issued. The waiver document identifies the applicant's credential goal and authorizes the service appropriate to that goal. If the full Commission votes to deny the waiver request, final notice of denial is sent to the employing agency, the applicant, and the county office of education, when applicable. Upon receipt of the denial notice, the employing agency must remove the applicant from the assignment.~~

NOTE: Authority Cited: Section 44225(q), Education Code. Reference: Section 44225, subdivisions (g) and (m), Education Code.

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**OFFICE OF THE EXECUTIVE DIRECTOR**

Attn.: Ruben L. Ingram, Ed. D.  
Executive Director

Title: ***Late or Incomplete Waiver Requests***  
Section: Title 5, §80125

**RESPONSE TO THE ATTACHED TITLE 5 REGULATIONS**

So that the Commission on Teacher Credentialing can more clearly estimate the general field response to the attached Title 5 regulations, please return this response form to the Commission office at the above address no later than 5 pm on April 3, 1996, in order that the material can be presented at the April 4, 1996, public hearing.

- ☐ Yes, I agree with the proposed Title 5 regulations. Please count me in favor of these regulations.
- ☐ No, I do not agree with the proposed Title 5 Regulations for the following reasons: (If additional space is needed, use the reverse of this sheet.)

- ☐ Personal opinion of the undersigned.
- ☐ Organizational opinion representing: \_\_\_\_\_  
Circle One: School District, County Schools, College, University, Professional Organization,  
Other
- ☐ I shall be at the public hearing, place my name on the list for making a presentation to the Commission.
- ☐ No, I will not make a presentation to the Commission at the public hearing.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_ Phone: \_\_\_\_\_

Employer/Organization: \_\_\_\_\_

Mailing Address: \_\_\_\_\_